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Tarrant County Texas

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**D208424065**

2 Pages



Suzanne Henderson

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**AMENDMENT OF OIL, GAS AND MINERAL LEASE**

**STATE OF TEXAS            }  
COUNTY OF TARRANT }**

**WHEREAS, Roger L. Hurlbut and Janet D. Hurlbut, a/k/a Janet Davis Hurlbut, husband and wife**, (collectively referred to herein as "Lessor") executed an unrecorded Oil, Gas and Mineral Lease, dated February 14, 2008, in favor of XTO ENERGY INC., (referred to herein as "Lessee") which is recorded as a Memorandum of Oil and Gas Lease at Document No. D208057190 in the Official Public Records of Tarrant County, Texas, (the "Lease"), and amendment to description recorded June 27, 2008 as Document No. D208247994 in the Official Public Records of Tarrant County, whereby the leased land was amended as follows,

3.238 acres, being called 3.057 acres, more or less, out of the James Gibson Survey, A-620, Tarrant County, Texas, being Lot 8, Block 1, Tate Addition, an Addition to Tarrant County, Texas, according to the Plat recorded at Volume 388-179, Page 95, Plat Records, Tarrant County, Texas, and being more particularly described in that certain Warranty Deed With Vendors's Lien dated December 15, 1997, from Jimmy Wayne Crutcher, Jr. and wife, Barbara Ann Crutcher, to Roger L. Hurlbut et ux, Janet D. Hurlbut, recorded at Volume 13015, Page 11, Official Public Records, Tarrant County, Texas.

**AND WHEREAS**, Lessor agrees to amend the Lease in accordance with the terms hereof.

**NOW THEREFORE**, notwithstanding anything to the contrary, Lessor hereby amends the Lease to add the following provision to the end of paragraph 4 of the Lease:

Any unit formed may be amended, re-formed, or enlarged by Lessee at its election at any time and from time to time after the original forming thereof by filing an appropriate instrument of record in the public office in which the pooled acreage is located, provided the size of such unit does not exceed the size allowed under this Lease.

**AND**, for the same consideration recited above, Lessor does hereby adopt, ratify and confirm the Lease, and all of its provisions, except as herein modified and amended, and does hereby grant, lease, and let to the Lessee therein or its successors and assigns, any and all interest which Lessor now has, or may hereafter acquire, either by conveyance, devise, inheritance or operation of laws, and whether vested, expectant, contingent or future, in and to the Land, in accordance with each and all of the provisions contained in the Lease and as amended hereby, and the Lessor hereby declares that the Lease and all of its provisions, as amended, are binding on the Lessor and Lessee and is a valid and subsisting oil and gas lease and this agreement shall extend to and be binding upon the heirs, executors, administrators, successors, and assigns of the Lessor and Lessee.

D208424065

WITNESS WHEREOF, this Amendment is executed on the respective date of Lessor's acknowledgment below, but is effective as of the date of the Lease.

  
Roger L. Hurlbut

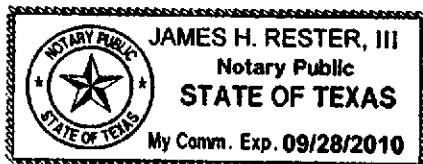
  
Janet D. Hurlbut a/k/a Janet Davis Hurlbut

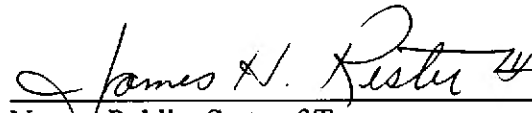
Address: 7501 Bent Trail  
Mansfield, Texas 76063

#### ACKNOWLEDGMENT

STATE OF TEXAS       }  
COUNTY OF Tarrant   }

This instrument was acknowledged before me on the 30<sup>th</sup> day of October, 2008, by Roger L. Hurlbut and Janet D. Hurlbut a/k/a Janet Davis Hurlbut, husband and wife.



  
Notary Public, State of Texas

Return to: Bryson G. Kisha  
6127 Green Jacket Dr.  
Apt. # 1125  
Fort Worth, TX 76137